

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GERALDINE COLES,

Plaintiff,

v.

ORDER
13-CV-845

ERIE COUNTY, MARK WIPPERMAN,
JOHN ANTHONY, ROBERT KOCH, and
MICHAEL REARDON,

Defendants.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. §636(b)(1)(B). Defendants filed motions for dismissal of the complaint (Dkt. Nos. 14 and 19) and plaintiff filed a motion for summary judgment (Dkt. No. 21). On June 2, 2014, Magistrate Judge Schroeder issued a Report and Recommendation recommending that defendants' motions to dismiss be granted, and that plaintiff's motion for summary judgment be denied.

On June 30, 2014 plaintiff filed objections to the Report and Recommendation. (Dkt. No 28) Defendants filed a response on July 4, 2014 (Dkt. No. 29) and plaintiff filed a reply on July 18, 2014 (Dkt. No. 30). Oral argument was scheduled for August 8, 2014. On that day, counsel for defendants appeared but plaintiff's counsel failed to make an appearance. The Court deemed the matter submitted at that time.

Pursuant to 28 U.S.C. §636(b)(1), this Court must make a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. Upon *de novo* review, and after reviewing the submissions of the parties, the Court adopts the proposed findings of the Report and Recommendation in their entirety.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendants' motions to dismiss are granted, and plaintiff's motion for summary judgment is denied.

The Clerk of the Court is instructed to close the case.

SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: September 24, 2014